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Report of the Panel on the Strengthening of the International Civil Service

Note by the Secretary-General*

Pursuant to section IV of General Assembly resolution 57/285, the report of the Secretary-General conveying the views of the organizations of the United Nations system on the findings and recommendations of the Panel on the Strengthening of the International Civil Service (see A/59/153) is submitted herewith.

* The present report could not be finalized earlier owing to the non-availability of the comments of the International Civil Service Commission on the report of the Panel on the Strengthening of the International Civil Service.

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Comments of the Secretary-General and the United Nations System Chief Executives Board for Coordination on the report of the Panel on the Strengthening of the International Civil Service

I. Introduction

1. The present report is being submitted to the General Assembly pursuant to section IV of resolution 57/285, in which the Assembly endorsed the terms of reference of the Panel on the Strengthening of the International Civil Service, as proposed by the Secretary-General in his report (A/57/612). In the same resolution, the Assembly envisaged a report of the Secretary-General on the findings and recommendations of the Panel, to be considered by the Assembly at its fifty-ninth session, together with the comments of the International Civil Service Commission.

2. The report of the Panel was transmitted to the Assembly via a note by the Secretariat dated 25 June 2004 (A/59/153) and was also forwarded to the Commission for its comments.

3. The Secretary-General and members of the United Nations System Chief Executives Board for Coordination (CEB) welcomed resolution 57/285, in which the Assembly endorsed the launch of the Panel. Having proposed a review of the functioning of the Commission as far back as 1997 in his report entitled "Renewing the United Nations: a programme for reform" (A/51/950), and having been requested to elaborate on his proposal in a series of notes and reports (A/53/688, A/54/483, A/55/526 and A/57/612) submitted to the Assembly at subsequent sessions, the Secretary-General considered it important that the initiative emanate from the Assembly itself and have its unanimous support. Although the orientation and scope of the proposal have evolved over the years, taking into account the comments of the Fifth Committee, the basic aim of maximizing the support the Assembly receives from the Commission in exercising strong, enlightened leadership in relation to the international civil service provided a common theme throughout the reports and notes submitted by the Secretary-General.

4. The progressive evolution in the scope of the proposed exercise that has characterized successive submissions to the Assembly, going beyond the functioning of the Commission itself and covering a broad range of issues affecting the strengthening of the international civil service, should be seen as a positive development that should contribute to enhancing the relevance and impact of the review. This was highlighted in the Assembly's request to the Panel to comment on the main characteristics of the international civil service.

5. In the concluding observations of its report, the Panel recalled that its convening by the Assembly coincided with the launch of a number of major review initiatives and with renewed attention being given by the Assembly and the other principal United Nations organs to reform and the management of change. The Panel perceptively added that while the coincidence may not have been deliberate, the opportunity it offered should not be missed and that although the remit of the Panel had been well circumscribed, the coincidence provided an opportunity for the Assembly to address the role and functioning of the Commission and the further improvements it wished to introduce in the Commission's make-up and modus

operandi, from a broader vantage point than may have prevailed at the time of previous reviews. It also offered the Assembly a precious opportunity to discuss the role and characteristics of the international civil service, including the fundamental principles on which it was based and the ways, within those principles, to adapt its management to changing requirements, in the broader context of the overall effort to enhance the capacity and effectiveness of the system in responding to the new challenges confronting it.

6. The Secretary-General and the members of CEB fully share that perspective and the Panel's expectation that the Assembly would approach the process as a specific but, nevertheless, indispensable contribution to charting the way ahead for the system, recognizing the central place that the strengthening of the international civil service occupied in the international community's overall effort towards the achievement of the goals of the United Nations Millennium Declaration.

7. A specific new feature of the proposal endorsed by the Assembly vis-à-vis earlier proposals was the inclusion in the Panel of the Commission Chairman as an ex-officio member. The intention was to ensure that the Panel's proposals would be based on a full knowledge of the accomplishments and current work of the Commission and, in the first instance, of the intent of the provisions of the statute of the Commission, according to which the Panel conducted its review, as proposed by the Secretary-General and mandated by the Assembly.

8. A copy of the communication received by the Secretary-General, signed by the four members of the Panel and the Chairman of the Commission, as ex-officio member, transmitting the Panel's report, is enclosed (see annex).

II. Comments of the United Nations System Chief Executives Board for Coordination

9. Having carefully reviewed the findings and recommendations contained in the Panel's report, the Secretary-General and members of CEB wish to express their deep appreciation to the Panel for a thoughtful, balanced and constructive report and to strongly commend it to the Assembly. Some of the observations below also address some of the comments of the Commission. While several of the Commission's comments are in the nature of reservations, CEB hopes that the Commission shares its expectation that the Assembly's actions on the issues raised by the Panel will be innovative and far-sighted.

Context of the Panel's review

10. The Secretary-General and members of CEB fully agree with the overall approaches that have guided the Panel in its work. They share the deep sense, highlighted by the Panel, that the United Nations system is at a turning point and also a strong wish to strive for greater relevance and concrete, tangible results to serve as renewed foundations for the future directions of the work of the United Nations system. Most importantly, they hope that the conclusions that the Assembly reaches will be framed around the basic finding set out in paragraph 12 of the Panel report:

> "that the basic principles on which the Charter of the United Nations is based not only retain all their validity but acquire even greater relevance in the new

international environment in which the United Nations system is presently operating. Indeed, in relation to the international civil service, the Charter principles of independence (Article 100) and of the "highest standards of efficiency, competence and integrity" (Article 101) should be the overriding values to which all efforts at advancing a modern international civil service, responsive to the changing demands and requirements of the new century, should be geared."

A. Role and functioning of the International Civil Service Commission

Role of the International Civil Service Commission and the international civil service in changing times

11. The analysis of the Panel rightly points to the crucial role that the Commission is called upon to play in contributing a common framework for the management of human resources within the common system, geared to maximizing the effectiveness and responsiveness of organizations of the United Nations system to the requirements and demands of Member States. Contrary to one of its observations, the Commission's role vis-à-vis the Assembly, as an independent, impartial source of advice and support, is taken into full account and provides the starting point of recommendation 1.

12. Recommendation 1 is introduced by highlighting the basic responsibility of the Commission to support the Assembly in leading the change management processes under way in the system and should be read in conjunction with the observations contained in paragraph 20 and recommendation 2, a recommendation that CEB members fully endorse. There is not, and there should not be, any contradiction between the overriding responsibility of the Commission vis-à-vis the Assembly and the need that the Panel highlights for the Commission to be a proactive partner with the executive heads in the reform process. It is equally important to further strengthen the Commission's technical capacity and policy awareness, as well as to strengthen mutual trust and collaboration, in order to respond effectively to both of those challenges. Recommendation 1 echoes the calls of the Assembly that are embodied in several resolutions it has adopted over the years on the reports of the Commission. In calling for qualitative progress in those directions, the Assembly should insist, in the first instance, on evidence of a deliberate effort towards continuing improvements and consensus-building, an effort that should be at the core of the work of the Commission as a centre of excellence and of the relationship between the Commission and its partners.

Working methods of the Commission

13. The Secretary-General and members of CEB share the assessment of the Panel that recent practices adopted by the Commission, including the establishment of working groups of the Commission, have proved helpful, particularly in improving the consultative process, and should be systematized and reinforced. The view of the Commission that there is no need to formalize those improvements in the Commission's terms of reference is disappointing, as it risks being perceived as calling into question the quality of the Commission's stated commitment to them

and their significance in relation to their underlying intent of enhancing opportunities for dialogue and communication.

14. It is hoped that action by the Assembly on the relevant recommendations of the Panel (recommendations 3 and 4) will serve to reinforce the commitment to nurturing the interest, confidence and trust of all parties, as advocated by the Panel.

Criteria and process for the selection of Commission members

15. The observations and recommendations of the Panel in paragraphs 33 to 39 are crucial to progress in achieving the objective of reinforcing the Commission and its capacity to maximize the support it provides to the Assembly. Far from exceeding the provisions of the statute, they constitute a timely reminder that practices have become, over the years, increasingly distant from the intent of the statute.

16. Member States, organizations of the United Nations system and the Commission share responsibility for a process of selection and consultation that has become progressively distant from the intent of the statute. They all, however, have a major stake in ensuring that that process is improved. All should realize that the status quo always carries the risk of deterioration. Maintaining the status quo is, in any case, hardly in line with the renewed importance that is attached to the work of the Commission in current circumstances. In particular, the Commission should see the call to adhere more closely to the provisions of articles 3 and 4 of its statute not as a reflection on the quality of its current membership but as an integral part of the effort to ensure that the selection and consultation process is in tune with the unique role of the Commission, a role that makes it qualitatively different from any of the other bodies for which elections are held. At a time when the international civil service faces great challenges, it is essential to ensure that Member States place at the disposal of the Commission the best and most appropriate talent they can offer.

17. It is encouraging that the Assembly itself has repeatedly emphasized the need to adhere closely to the provisions of articles 3 and 4 of the statute. Most recently, in resolution 53/209, the Assembly specifically requested the Secretary-General to draw the attention of Member States to the provision of article 3 when presenting candidates for appointment to the Commission. The recommendations of the Panel should be viewed against this background as a positive contribution to the elaboration of procedures that can advance the actual implementation of the Assembly's directives.

18. In recommendation 5, and as set out in annex II of its report, the Panel offers criteria to illustrate the substantial experience of executive responsibility in public administration or related fields, particularly in personnel management, that candidates should possess, according to article 3 of the statute, and recommends that Member States, in presenting candidates, should relate the background of candidates to this experience. In calling for candidatures, the Secretary-General would point to the range of competencies that are relevant to the substantial experience required of members of the Commission under the statute, thus assisting Member States in articulating the presentation of their candidates in relation to the requirements set out in the statute. The Secretary-General would thus be better able to effectively implement the request addressed to him by the Assembly, in its resolution 53/209. In turn, the expectation that the presentation of candidatures should be elaborated in relation to the requirements of the statute would facilitate a selection process at the national level and subsequent intergovernmental consultations that, within the

principle of equitable geographical distribution, would give due weight to the elements of experience envisaged in the statute.

19. A selection process that focused on competencies would also greatly facilitate the task of giving practical effect to the provisions and intent of article 4 of the statute, which calls for the Secretary-General, as Chairman of CEB, to present a list of candidates after "appropriate consultation", not only with Member States but also with the executive heads of the organizations and staff representatives, as it would make it possible for the comments the Secretary-General calls for from these parties to relate, not to the background of candidates in a vacuum, but to their relative qualifications in relation to the requirements of the statute. The consultative process, which is currently largely perfunctory, would become both more feasible and more meaningful. Organizations and staff representatives could provide greater support to Member States in their final selection process, without prejudice to the prerogative and decision-making authority of the Member States. While this process would, as the Commission comments point out, make the procedures for appointment to the Commission differ from other election processes, it is clearly what the statute intended. A competency-based and inclusive selection process would better serve both the basic intent of the provisions of articles 3 and 4 of the statute — to set up a technically highly competent and authoritative Commission whose members command universal confidence — and the intent of the Assembly in its successive calls for closer adherence to those provisions.

20. A consultative process focused on the different, specific experiences of candidates, in line with article 3 of the statute, would also facilitate bringing to the Commission an effective mix of expertise, practical knowledge and experience that would maximize its contribution as both a regulatory and an advisory body, as advocated by the Panel.

21. In recommendation 6, the Panel proposes that, within the terms of article 5 of the statute, an understanding be reached that future appointments would normally be limited to two terms. That recommendation and the transitional arrangements that the Panel proposes are aimed at introducing an appropriate balance between continuity, on the one hand, and facilitating the renewal and updating of expertise, experience and knowledge, as well as maximizing the independence of the individuals appointed, on the other. At a time of rapid change and as part of the effort to maximize the contribution of the Commission to what the Panel referred to as the introduction of cutting-edge human resources policies and practices, this recommendation should be acceptable to the General Assembly.

Frequency and length of sessions of the Commission

22. The executive heads welcome recommendation 7, which would limit the length of the two annual sessions of the Commission to 10 working days each. This reduction in the length of the formal sessions would be in line with the reforms being introduced by many other bodies and would be accompanied by greater resort to working groups and other informal arrangements between sessions. Experience has shown that these informal arrangements have enabled a broader and deeper exchange of views among all interlocutors, leading to the production of such recent major Commission contributions as the code of conduct and the Framework for Human Resources Management. It would also enable senior staff from organizations

to be present throughout the Commission's sessions, which is not practically or financially feasible given the current length of the sessions.

B. Enhancing the capacity of the Commission to strengthen the international civil service

23. The observations and recommendations of the Panel in paragraphs 42 to 63 address the role of the Commission in supporting ongoing efforts to strengthen and modernize the international civil service and to sustain and improve performance and staff morale. The members of CEB concur with the Panel that managing change is a collective endeavour and that the Assembly and executive heads should be able to look to the Commission as an authoritative source of advice on international best practices, innovative approaches and forward-looking human resources management policies and strategies.

24. The Panel's recommendations for strengthening the international civil service are thoughtful and constructive and both responsive to, and supportive of, the reform initiatives under way in most organizations of the system. In particular, the executive heads agree with the Panel on the need for greater focus on performance in the determination of pay; strengthening managerial capacity, including through the development of a senior management service; recognizing the importance and necessity of investing in the continuous learning of staff; promoting best workplace practices that support work/life balance; encouraging mobility; and arriving at contractual arrangements that reflect best practices and are tailored to the needs of a modern global international civil service (recommendations 10 and 13-17). The security and safety of United Nations staff is highlighted in the Panel's report as a major concern around which the efforts of the Commission, the Assembly and the legislative bodies of all agencies and organizations should rally (recommendation 18).

25. The Secretary-General and the executive heads have long advocated updating and expanding the Noblemaire principle to restore the competitiveness of United Nations entities in the international labour market. They share the Panel's concern about erosion in some elements of conditions of employment and welcome the Panel's recommendation for a review of the Noblemaire principle on a priority basis and for the Assembly and other governing bodies to take action to restore and preserve competitiveness in the overall conditions of employment governing the common system (recommendations 11 and 12).

26. The executive heads hope that the Assembly's actions on this part of the report of the Panel will support and complement their efforts to modernize the United Nations workforce and strengthen the international civil service.

III. Conclusions

27. The findings of the Panel, in line with its mandate, cover a wide range of issues. Some of the recommendations are directed specifically at Member States in the General Assembly, while others are addressed more generally to the totality of the system membership; some are addressed to the Secretary-General and others to the totality of the organizations of the United Nations system; and some relate to the

methods of work of the Commission, while others concern the orientations of its work programme. The overall response of the Assembly to the individual recommendations contained in the Panel's report will guide the follow-up by all concerned. The Secretary-General and members of CEB trust that the Assembly's consideration of the matter will enable an open and constructive debate, which will serve both to promote a renewed consensus on the way ahead and to harness the efforts of all towards concrete progress.

28. To this end, members of CEB trust that the Assembly's response:

(a) Will be cast, as indicated above, in the broader context of the many initiatives and efforts under way to enhance the capacity and effectiveness of the system in responding to the major challenges and new demands confronting it;

(b) Will address the strengthening of the international civil service as an integral, key component of the response;

(c) Will reaffirm the continuing validity, and, in particular, the special relevance to today's requirements of the principles and values embodied in Articles 100 and 101 of the Charter of the United Nations;

(d) Will pursue, in this broader context, not only issues relating to the functioning and role of the Commission, but also the Panel's recommendations on human resource policies and practices in the common system and on the orientations that the Assembly, the Commission and the management of organizations could, in the Panel's view, most productively follow in that regard.

29. With particular regard to the recommendations relating to the functioning and role of the Commission itself, the Assembly may wish to reiterate the key contribution that an authoritative Commission — a Commission that, according to the Panel, commanded universal confidence and was conscious of its leadership responsibilities in change management — can make to the strengthening of the international civil service. The Assembly may therefore wish to restate the importance it attaches to issues within the purview of the Commission, in the spirit of recommendation 2 of the Panel's report; recall the new, challenging environment within which the Commission is called upon to exercise its responsibilities, as highlighted in paragraph 30 of the Panel's report; and endorse the proposals in recommendation 1 of the Panel's report as to the main lines that should guide the effort to further strengthen the Commission and its contribution to the strengthening of the international civil service.

30. In the same context, the Assembly may wish to reaffirm the continuing validity of the statute and reiterate its previous calls for closer adherence to the provisions of the statute, including in particular articles 3 and 4 on the process of selection of members of the Commission. In that regard, it may wish to reiterate the request addressed to the Secretary-General, in its resolution 53/209, to draw the attention of Member States to the provisions of article 3 of the statute when presenting candidates for appointment to the Commission, and invite the Secretary-General, when calling for nominations, to assist Member States in that regard by providing criteria illustrating the substantial experience of executive responsibility in public administration or related fields, particularly in personnel management, called for under article 3 of the statute, in the light of the suggestions set out in annex II of the Panel's report. The Assembly may also wish to call on Member States to take into full consideration the requirements set out in article 3 of the

statute when presenting candidates and state its determination to adhere to those provisions in the election process. It may further wish to invite the Secretary-General to strengthen the consultative process under his direction, focusing on competencies as they relate to the requirements of article 3 and to gear the process, in particular, to assisting Member States in ensuring that in the Commission's composition there is what the Panel refers to as an effective mix of expertise, practical knowledge and experience that would maximize its contribution as both a regulatory and an advisory body, including greater gender balance. From the same perspective, the Assembly may wish to give positive consideration to the Panel's recommendation (recommendation 6) advocating a broad understanding regarding the term limitation of appointments to membership to the Commission, including the transitional arrangements proposed in that recommendation.

31. The Assembly may wish to acknowledge the progress made in rationalizing and improving the working methods of the Commission and encourage it to formalize the new practices introduced in recent years, along the lines proposed in recommendation 3 of the Panel's report. It may, in the same spirit, wish to invite the Commission to make greater use of working groups and give further consideration to the frequency and length of its sessions, as proposed in recommendations 4 and 6, as part of the overall effort to further strengthen the consultative process and enhance cost-effectiveness.

32. As indicated above, the broader recommendations of the Panel, which are aimed at enhancing the capacity of the Commission to strengthen the international civil service, are in line with the reform processes under way in most of the organizations of the system and relate to policies and practices that are, for the most part, being addressed, albeit with varying degrees of priority, in the work programme of the Commission. The Assembly may wish to express support for the relevant reform processes under way within the system and provide overall policy guidance to the Commission in pursuing the different dimensions of these policies and practices in its own work programme. The Assembly may also wish to express the hope that progress on the relevant review exercises under way in the Commission be accelerated, taking into account the interrelationships among the issues involved and their relative impact on enhancing competitiveness, productivity and effectiveness in the international civil service.

Annex

Letter dated 6 July 2004 from the members of the Panel on the Strengthening of the International Civil Service and the Chairman of the International Civil Service Commission to the Secretary-General

We greatly appreciated the opportunity to serve on the Panel on the Strengthening of the International Civil Service and, thus, make a contribution towards reform and renewal in the United Nations system.

We approached our task from the perspective of the evolving global situation, the challenges it involves for the response capacity of the system and the many initiatives that you and other executive heads have launched to address the situation and help chart the way ahead. We were guided in this endeavour by your repeated assertion that, in the fulfilment of the United Nations system's mission, its staff remains its most valuable asset.

We focused, from this perspective, on the changing demands that the present international juncture is posing on the functions and capacity of staff and the implications for the basic principles on which the international civil service is founded. We strongly felt that the principles of independence and of the "highest standards of efficiency, competence and integrity", set out in Articles 100 and 101, respectively, of the Charter of the United Nations, not only retain all their validity, but acquire even greater relevance in the new international context, and call on all concerned — Member States as well as executive heads — to recommit themselves to these basic principles.

We concluded that competitive conditions of employment, together with effective human resources management based on modern management practices, are crucial elements for strengthening the international civil service. We were concerned, in this context, at recent trends towards the erosion of some conditions of employment and recommended that they be reversed.

The General Assembly has repeatedly reaffirmed the central role it expects the International Civil Service Commission to play as an independent, technical body in the regulation and coordination of conditions of service in the common system. Recognizing the crucial contribution it can and should make to the strengthening of the international civil service and bearing in mind our mandate, we focused on the Commission's role and functioning. We believe it essential that the Commission should not only command universal confidence in the regulation of compensation and other conditions of service, but also provide leadership in staff management by bringing added value and promoting the introduction of cutting-edge human resources policies and practices.

Our review of the functioning of the Commission, carried out within the context of its statute, indicated that a key element in this regard is the quality of its membership. We concluded that this can be assured through a more rigorous application of the requirements and process of consultations for membership in the Commission, as set out in articles 3 and 4 of its statute — a responsibility that is shared by Member States and also by the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination (CEB). We contributed some criteria relating to the members' qualifications that are fully in line

with the provisions of the statute and should facilitate implementing both the letter of its provisions and their spirit and intent. We also offered recommendations regarding the length of the terms of office, the duration of the Commission meetings and the functioning of the consultative process in the Commission's work.

We hope that our report will serve to support and complement efforts to modernize the United Nations system workforce and how it is managed. Our unanimous conclusions and recommendations were made possible by the commitment to team work and the excellent spirit of cooperation and mutual understanding and accommodation that prevailed throughout all of our discussions. We are also grateful for the support we received from the secretariats of the Commission and of CEB and the Secretary of CEB.

(*Signed*) Mary **Chinery-Hesse**

(*Signed*) Ernst **Sucharipa**

(*Signed*) Mohsen **Bel Hadj Amor**

(*Signed*) Philippe **Rochat**

(*Signed*) Anatoly V. **Torkunov**